

REMARKS

Claims 2, 4 and 5 are cancelled without prejudice. Claims 1 and 3 are amended. New Claims 34-37 are added. Reexamination and reconsideration of the application, as amended, are respectfully requested.

In the pending Office Action, claims 2 and 3 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tarvin. Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Beasley. Claims 1, 4 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brammer.

Claims 2, 4 and 5 are canceled by this Amendment. The rejection of claims 1 and 3 is respectfully traversed and reconsideration is requested. Applicant submits that amended claims 1 and 3 and new claims 34-37 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, a step portion hinged to the mounting portion whereby the step portion may be moved from a first position where the step is disposed above the vehicle hitch and usable with or without the hitch being in use, to a second, stowed position. None of the cited references including Tarvin, Beasley, and Brammer, singly or in combination, teaches or suggests at least this feature of the claimed invention.

Specifically, Tarvin discloses an apparatus that permanently covers the hitch. Similarly, Brammer discloses an apparatus that permanently covers the hitch. The claims of the present application recite a step that may be moved from a first position where the step is usable to a second, stowed position, which allows for access to the hitch. Thus, the step

recited by at least claim 1 of the present application is not anticipated by either Tarvin or Brammer.

The apparatus recited by at least claim 1 of the present application is secured to the vehicle by the hitch assembly. The apparatus disclosed by Beasley must be mounted to the bumper bar of a vehicle, not to the hitch assembly. Thus, the step recited by at least claim 1 of the present application is not anticipated by Beasley.

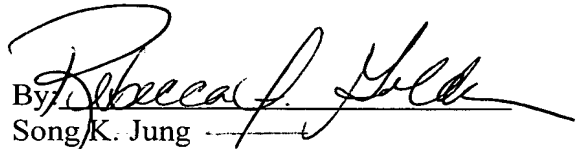
Applicant believes the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 624-1200 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

Respectfully submitted,

LONG, ALDRIDGE & NORMAN

By: 

Song K. Jung
Registration No: 35,210
Attorney of Record

Rebecca A. Goldman
Registration No. 41,786

701 Pennsylvania Avenue, N.W.
Sixth Floor
Washington, D.C. 20004
(202) 624-1200
Date: February 26, 2001
72288.1